

On receipt of the reference usual notices were issued to the parties by my learned predecessor Shri O. P. Sharma. It has not been possible to affect the service on the management because it is reported that the respondent factory has since been closed down. The representative of the workmen has also made a statement that the wages due to the workman have been paid to him and since the respondent factory has been closed down, therefore, the question of his re-instatement also does not arise. He has further stated that the workman has not given him any instructions to proceed further with the case.

In view of the above statement, I hold that the workman Shri Gurdial Singh is not entitled to a relief. I give my award accordingly.

No order to costs.

Dated the 7th December, 1970.

P. N. THUKRAL,

Presiding officer,
Labour Court, Haryana, Rohta
(Camp Gurgaon)

No. 1345 dated, the 15th December, 1970.

Forwarded (four copies) to the Secretary to Government Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

P. N. THUKRAL,

Presiding Officer,
Labour Court, Haryana, Rohta
(Camp Gurgaon).

No. 12522-1Lab-70/38440.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Faridabad, in respect of the dispute between the workmen and the management of M/s Sub-Divisional Engineer (P. W. D.) B. & R., Palwal Gurgaon.

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 61 of 1970

between

SHRI SHIM LAL, WORKMAN AND THE MANAGEMENT OF M/S SUB-DIVISIONAL,
ENGINEER (P.W.D.) B. & R., PALWAL, GURGAON.

Present:—

Shri Sham Lal, concerned workman with C. B. Kaushik.

Shri Wazir Chand for the management.

AWARD

Shri Sham Lal was in the service of M/s. Sub-Divisional Engineer (P. W. D.) B. & R., Palwal Gurgaon, as a Beldar. His services were terminated by the department which gave rise to an industrial dispute. He served a demand notice through the Conciliation Officer but without any effect.

The Governor of Haryana, was therefore pleased to refer this dispute for adjudication to the Tribunal under section 10(1) of the Industrial Disputes Act, 1947. The question for determination being given as under:—

“Whether the termination of services of Shri Sham Lal is justified and in order. If not, to what relief is he entitled?”

On receipt of the reference usual notices were given to the parties and they have filed their respective statements.

It is, however, not necessary to go into the merits of the case as a settlement has been arrived at between the parties. The workman Shri Shiam Lal has been taken back in service with effect from 14th February, 1970 with continuity of his previous service but without any right to claim back wages. Statements of the workman and the representative of the department concerned have been recorded from which it is clear that Shri Shiam Lal has been working regularly and getting his pay since the date of his reinstatement on 14th February, 1970 and he is fully satisfied with this arrangement. Taking into consideration the facts and circumstances of the case, the aforesaid statement arrived at between the parties with the full consent of the workman appears to be fair and reasonable.

In view of the above the termination of the services of the workman in the case can not be held to be justified and he is entitled to remain in service of the Sub-Divisional Engineer (P. W. D.) B. & R., Palwal Gurgaon as a Beldar with continuity of his previous service but without any right of back wages which right he has himself willingly foregone. I give my award accordingly. No order as to cost.

Dated 21st December, 1970.

O. P. SHARMA,
Presiding Officer,
Industrial Tribunal Haryana,
Faridabad.

No. 1819, dated the 22nd December, 1970

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated 21st December, 1970

O. P. SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 12499-1Lab-70/38442.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Faridabad in respect of the dispute between the workmen and the management of M/S Lakshmi Rattan Engineering Works Ltd., Faridabad.

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD.

Reference No. 111 of 1970

between

THE WORKMAN AND THE MANAGEMENT OF MESSRS LAKSHMI RATTAN ENGINEERING
WORKS LTD., FARIDABAD.

Present :

Nemo for the workmen.

Shri B. C. Sharma and Shri A. P. JAIN, for the management.

AWARD

Sarvshri Chander Kishore, Shiv Charan, Rattan Singh, Rashudin, Ram Dhani Nandan Singh and Dev Raj, were in the service of M/s Lakshmi Rattan Engineering works, Ltd., Faridabad, Chander Kishore being semi-skilled moulder and the rests being coolies. Their services were terminated by the management which gave rise to an industrial dispute. The workmen served the management with demand notice through Shri Onkar Parshad, General Secretary Engineering Mazdoor Union, Registered Township, Faridabad, asking for their re-instatement with full back wages. A demand for uniforms was also made. The management did not accede to these demands.

The Governor of Haryana was therefore, pleased to refer the above dispute for adjudication to this Tribunal under clause (d) of Sub-section (1) of section 10 of the Industrial Disputes Act, 1947,—vide order No. ID/FD/158/23343, dated 3rd August, 1970. The items for dispute being given as under :—

1. Whether the termination of services of Sarvshri Shiv Charan, Rattan Singh, Rashudin, Ram Dhani, Nandan Singh, Dev Raj and Chander Kishore, were justified and in order. If not, to what relief are they entitled ?
2. Whether the workmen are entitled to uniforms. If so, with what details and from which date:

On receipt of the above reference usual notices were given to the parties. Shri Onkar Parshad filed the statement on behalf of the workmen on 2nd September, 1970 reiterating their above claim for reinstatement as well as for supply of uniforms. The management filed their written statement on 26th October, 1970 contesting the claim of the workmen on several grounds. The begin with, it was urged that the workers concerned being mere probationers, the management was within their right to terminate their services which was done in accordance with the Certified standing orders with regard to the claim for uniforms the stand taken by the management was that uniform could not be claimed by workmen as of right and the present financial position of the management did not permit them to meet this demand of the workmen. Some other legal objections were also raised. My learned predecessor framed the following preliminary issues on 30th, October 1970.

1. Whether item no 1. of reference is vague because it does not indicate from which date and in what manner the services have been terminated and if so what is its effect ?
2. Whether item No. 8 of the order of reference is vague and does not fall in any item of scheduled 2nd or 3rd of the Industrial Disputes Act, 1947. the order does not indicate the kind of uniform and the date from which it is to be given and for this reason the item of reference is not valid, if so, what is its effect ?
3. Whether there is no industrial dispute for the reason given in para 2 in the written statement?
4. Whether the Tribunal can not adjudicate upon the item of uniform because this subject is not included in any scheduled of the Act ?

The case was filed for arguments on the preliminary issue on 24th November, 1970. In the mean time an application had been moved on behalf of the management for framing an additional issue and also for summoning some record from the union of the workmen. Notice of this application was give to Shri Onkar Parshad who had serve the management with the demand notice referred to above. No reply to the above application has been filed nor has the record summoned been produced. The workmen and their representative Shri Onkar Parshad have further chosen not to appear and pursue the claim.

The management has led some evidence in the case. Shri A. P. Jain, Factory Manager, has himself come into the witness box and made a detailed statement regarding the appointment of the said workman as probationers as also about the deteriorating financial condition of the concern. He has produced copies of the relevant appointment letters of the aforesaid workmen as probationers, the letters of extension of the period of probation from time to time, copies of the orders of the termination of their services, copy of the Certified Standing Orders, As for Chander Kishore it has been stated that he had himself tendered his resignation Exhibit M. 1/30 on 8th June, 1970 which was accepted on 10th June 1970,—vide Exhibit M. 1/31 and that he had collected his dues on 7th August, 1970,—vide Exhibit M. 1/32. The other documents produced by the management are from Exhibit M. 1/1 to Exhibit M. 1/29.

I have heard the learned representative of the management and considered the facts on record. There is not much to discuss with regard to the preliminary issues nor has any thing worth consideration been urged by the learned representative of the management to support his pleas giving rise to these issues. The order of reference does not contain the date or dates of the termination of the services of the workmen. That would, however, not render the reference to be invalid. The exact dates of the termination of the services of the individual workmen have been furnished by the management itself, and, in the absence of proof to the contrary, these dates have to be taken as correct. The learned representative of the management has further failed to show as to how the present reference for the determination of the questions contained therein is vague and how this Tribunal is debarred from adjudicating upon the right of uniforms claimed by the workmen. On the other hand, it has come in the evidence of Shri A. P. Jain Factory Manager, himself that uniforms have been supplied to the workmen in the past depending upon the financial position of the factory.

As for the merits of the case the main question that arises for determination is, whether Sarvshri Shiv Charan, Rattan Singh, Rashudin, Ram Dhani, Nandan Singh, Dev Raj and Chander Kishore were permanent workmen or they were more probationers. A perusal of the relevant documents

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produced by the management read with the statement of Shri A. P. Jain, Factory Manager, referred to above would show that all these workmen had been appointed on probationer, the original period of probation being six months which had been further extended from time to time as permissible under the Certified standing Orders produced in the case as Exhibit M.W. 1/33. The facts on record further go a long way to show that the services of all the workmen were terminated during their above period of probations as extended. The Certified Standing orders speak for themselves. It was within the competence of the management to terminate the services of the probationers without assigning any reason as has been done in the instant case. That disposes of the main issue No. 1 involved in the case; whether the termination of the services of Sarvshri Shiv Charn, Rattan Singh, Rashudin, Ram Dhani, Nandan Singh, Dev Raj and Chander Kishore was justified and in order, and in view of the above discussions this issue has to be found against the workmen including Shri Chander Kishore who had tendered his resignation of his own free will and had further collected his dues after the same had been accepted.

The workmen have brought on record no sufficient material to justify their claim for uniforms and according to the statement of Shri A.P. Jain, Factory Manager, the financial conditions of the factory has constantly been deteriorating so much so that some important machinery had to be disposed of to meet the day to day expenses. He has referred to certain representations made to the State Government in this behalf. His statement on oath has to be believed especially when that workmen and their representatives have not come forward to refute the same. Issue No. 2 is accordingly found against the workmen.

In view of my above findings on the issues involved in the case, the workmen are not entitled to any relief in the matter of their reinstatement, claim for back wages and uniforms, I give my award accordingly. There shall be no order as to cost.

Dated 17th December, 1970

O. P. SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 1797, dated the 21st December. 1970

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947

Dated 17th December, 1970.

O. P. SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 12520-ILab-70/38444.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Faridabad in respect of the dispute between the workmen and the management of M/s Cornfield Industries, Hali Mandi Pataudi Road, District Gurgaon.

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

REFERENCE No. 1 OF 1970

between

THE WORKMEN AND THE MANAGEMENT OF M/S CORNFIELD INDUSTRIES, HALI
MANDI, PATAUDI ROAD, DISTRICT GURGAON

Present :—Shri C. B. Kaushik, for the workmen.

Shri Padam Kishore with Shri R. D. Yadav, for the management.

AWARD

An industrial dispute arose between the workmen and the management of M/s Cornfield Industries, Hali Mandi, Pataudi Road, District Gurgaon which was referred for adjudication to this Tribunal under section 10(1) of the Industrial Disputes Act, 1947, by order dated 30th December, 1969 of the Governor of Haryana. The questions for determination being given as under :—

- (1) Whether the workers of this establishment should be supplied Uniforms. If so, with what details and from which date ?

- (2) Whether the workmen should be provided with soap cakes ; if so, with what details and from which date ?

On receipt of the above reference usual notices were given to the parties and they have filed respective statements. It is however not necessary to go into the merits of the case as a settlement has been arrived between the parties and the aforeaid demands of the workmen have been conceded by the management. Statements of the representatives of the parties have been recorded. The workmen have been paid Rs. 100 each for their uniforms,—*vide* receipt Exhibits M-1, M-2, M-3, M-4, and M-5, and soap cakes have also since been supplied to them as demanded.

The issues involved are therefore found in favour of the workmen and they are held entitled to uniforms and soap cakes as per settlement referred to above. I give my award in the case accordingly. No order as to costs.

O. P. SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana.
Faridabad.

Dated the 23rd December, 1970.

No. 1847, dated the 24th December, 1970

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Dated : 23rd December, 1970.

The 5th January, 1971

No. 12515-ILab-70/38448.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Faridabad in respect of the dispute between the workmen and the management of M/s Dujodwala Industries, Faridabad.

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 105 of 1970

between

THE WORKMEN AND THE MANAGEMENT OF M/S DUJODWALA INDUSTRIES,
FARIDABAD

Present :—

Shri Bhim Singh Yadav, for the workman.

Shri R. C. Sharma, for the management.

AWARD

The workmen of M/s Dujodwala Industries, Faridabad, demanded uniforms and dearness allowance at Rs. 50/- P. M. to which the management did not agree. This gave rise to an Industrial dispute. The workmen through Shri Bhim Singh Yadav, General Secretary of General Engineering Mazdoor Union, N. I. T., Faridabad served the management with the demand notice through the Conciliation Officer but with no effect.

The Governor of Haryana, was therefore pleased to refer the above dispute for adjudication to this Tribunal under clause (d) of Sub-section (1) of Section 10 of the Industrial Disputes Act, 1947,—*vide* order No. ID/FD/428 G/23280, dated 3rd August, 1970. The item for dispute being given as under :

1. Whether the workmen should be supplied with uniforms ? If so ; with what details and from which date ?
2. Whether workmen are entitled to the grant of D. A., If so ; with what details and from which date ?

On receipt of the above reference usual notices were given to the parties. Statement on behalf of the workmen was filed on 17th September, 1970 reiterating the above claim. The management filed the written statement on 30th September, 1970 disputing the claim. Some legal objections were also raised.

My learned predecessor framed the following preliminary issues on 30th September, 1970.

1. Whether this Tribunal has no jurisdiction to adjudicate on the items with regard to the claim or uniforms because uniforms do not form any item or part of the 2nd or 3rd schedule ?
2. Whether the respondent concern is not an Engineering Industry and for this reason the General Engineering Mazdoor Union can not represent the workmen in present case ?
3. Whether the present dispute has not been espoused by a substantial number of workmen and for this reason the union has no *locus standi* or has a representative character ?
4. Whether the claim of the workmen is in substance a case for minimum wages etc. and can not be adjudicated upon in these proceedings ?

The case was fixed for evidence and arguments on 28th September, 1970. The managements examined only one witness Shri S. K. Sharma, Time keeper M. W. I, who produced lists of the skilled and unskilled workmen in the factory marked Ex. M. W. 1/1, Ex. M. W. 1/2 and Ex. M. W. 1/3. The workmen have led no evidence in the case.

It is, however, not necessary to go into the above issues and merits of the case as Shri Bhim Singh Yadav, the General Secretary General Engineering Mazdoor Union, N. I. T. Faridabad, who had served the demand notice on behalf of the workmen, has made a statement to the effect that the workmen do not press their claim for dearness allowance and uniforms and do not want to lead evidence to substantiate the same. Nothing worth consideration has been urged on behalf of the management either with regard to the preliminary issues.

Since the workmen have given up their claim for uniforms and dearness allowance and have not brought on record any material to support the same, they are manifestly not entitled to any relief in the case. I give my award accordingly. No order as to cost.

Dated 23rd December, 1970

O. P. SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 1848, dated the 24th December, 1970.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated 23rd December, 1970.

O. P. SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

The 7th January, 1971

No. 12489-ILab-70/38446.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Faridabad, in respect of the dispute between the workmen and the management of M/s. Standard Rubber Mills, Gurgaon.

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD.

Reference No. 76 of 1970

between

SHRIDIL BAHADUR WORKMAN AND THE MANAGEMENT OF M/S STANDARD
RUBBER MILLS, GURGAON

Present.—

Shri C. B. Kaushik for the workman.

Shri D. C. Chadha, for the management.

AWARD

Shri Dil Bahadur was in the service of M/s. Standard Rubber Mills, Gurgaon, as a Chowkidar. His services were terminated by the management on 5th December, 1969 which gave rise to an Industrial Dispute. He served the management with the demand notice through the Conciliation Officer, asking for his reinstatement and back wages but without any effect.

The Governor of Haryana was therefore pleased to refer this dispute for adjudication to this Tribunal under section 10(1) of the Industrial Disputes Act, 1947, -vide order No. ID/GG/87A/9923, dated the 6th April, 1970. The question for determination being as given below.

“Whether the termination of Shri Dil Bahadur was justified and in order? If not, to what relief he is entitled?”

On receipt of the reference usual notices were given to the parties and they filled their respective statements. It was contended on behalf of the management that the workman concerned had himself left service as the management could not increase his wages according to his wishes. It was further averred that he had got some other job with some other concern. My learned predecessor framed the following issues in the case on 12th June, 1970

1. Whether the claimant Shri Dil Bahadur Chowkidar left the service of the employer of his own accord because he felt that his salary Rs. 82/- P. M. which was being paid to him was not sufficient and he wanted Rs. 100/- which was not accepted to the management.
2. Whether the workman has arranged for another job and he made this demand for raising in salary on this account?

Shri Parshotam Lal Jain, partner of M/s. Standard Rubber Mills, Gurgaon, came into the witness box and deposed that Shri Dil Bahadur had been engaged as Chowkidar, at Rs. 82 p. m. and after working for 5 or 6 months, he demanded increase in his wages up to Rs. 100 p. m. The management could not however, concede to his demand as the wages permissible under the Minimum Wages Act, were already being paid to him whereupon he left service of his own accord and made an application under the payment of Wages Act, copy Ex. M. M. 1/1 wherein he admitted that he had accepted another job with M/s. Yadev Tractors Works, Gurgaon.

No evidence has been led on behalf of the workman in spite of getting two suitable adjournments. His representative Shri C. B. Kaushik, has stated that since the workman has gone to his native place in Nepal and has not cared to produce any evidence, he is not in a position to refute the aforesaid pleas taken on behalf of the management. His statement has been recorded.

I have heard the learned representatives of the parties and considered the facts on record. In the absence of any reasonable rebuttal, the statement made by the partner Shri Parshotam Lal Jain, has to be accepted as true. His statement finds further support in the documentary evidence consisting of the copy of the statement of the workman himself made before the authority under the payment of Wages Act wherein he had admitted in clear and unambiguous words that he had accepted job in some other concern.

So taking into consideration the facts and the circumstances of the case I am satisfied that the workman Shri Dil Bahadur, had left service as Chowkidar with the management concerned of his own accord. Since the management has not acceded to his request for the increase of his wages and that he had further accepted another job with some other concern. Both the issues are accordingly held against the workman and in favour of the management.

In view of the above findings, the termination of the services of the workman by the management can not be said to be unjustified and I give my award in the case accordingly but without making any order as to cost.

Dated : 21st December, 1970.

O. P. SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 1820, dated the 22nd December, 1970

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments; Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Dated : 21st December, 1970.

B. L. AHUJA,
Commissioner for Labour and Employment and Secy.